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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,191	04/15/2004	Larry A. Russell	2003-0064	1956
26652	7590	12/02/2005	EXAMINER	
AT&T CORP. P.O. BOX 4110 MIDDLETOWN, NJ 07748			SMITH, CREIGHTON H	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/826,191

Applicant(s)

RUSSELL, LARRY A.

Examiner

Creighton H. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-24 and 33-37 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-12, 14-18 and 25-31 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 13 and 32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-12, 14-18, 25-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Nguyen et al, U.S. Patent #6944276.

Nguyen et al disclose a device that enables a caller, a telemarketer- col. 1, lines 40-50, to detect to a privacy screening service of subscribers/called party to that service, col. 1, lines 59-61. The caller, such as a telemarketer, will block the display of the calling party's phone number. A called party who subscribes to the privacy screening service will typically not choose to override the privacy screening feature and not receive the call. The caller/telemarketer will accrue a charge for the call even though the caller was not able to speak to the called party, col. 1, lines 42-46. Nguyen goes on to disclose in lines 47-55, that it would be most desirable if there was a service that would enable the caller to determine if a called party is a subscriber to a privacy screening service, before a charge accrues to the caller/telemarketer. In col. 2, lines 1-10, Nguyen et al disclose that the SCP (107, which is also a database – 107a) determines if the called party is a subscriber to privacy screening. If the called party is a subscriber to privacy screening, a message is sent to the switch instructing the switch to disconnect the call and a reduced charge to the calling party of "detection of privacy

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screening" is assessed to telemarketer's phone bill, and if the called party is not a subscriber to privacy screening, the call is completed and normal charges will accrue to the telemarketer's phone bill. Therefore, as subscriber's to a privacy screening service are added or deleted from that service, then SCP/database will update the database in order to keep the calling party/telemarketers informed of this. The "undesirable destinations" that applicant has claimed read upon Nguyen et al disclosure of the subscriber who have enrolled in the privacy screening service. In col. 7, lines 58-61, Nguyen et al disclose that the calling party/telemarketer may be a subscriber to a "caller detection of privacy screening service". Therefore, the calling party is also a member of service termed caller detection of privacy screening. At col. 8, line 24 *et seq* Nguyen et al disclose that if the calling party subscribes to "caller detection of privacy screening." At lines 41-46 of col. 8, Nguyen et al disclose that the SCP will look up the called party's phone number to see if the called party is associated with a privacy screening service. If the called party is associated with a privacy screening service, SCP then sends a message to switch 103 to disconnect the call. In col. 8, lines 55-58, Nguyen et al disclose that an audible message may be presented by node 109 to the calling party indicating that the called party is a subscriber to a privacy screening service and that the call will be disconnected.

Conversely, Nguyen et al disclose that if the called party the called party is NOT associated with a privacy screening service, the call is completed, and a billing record generated.

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Claims 6, 7, 13, & 32 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 19-24 and 33-37 are allowed.

Any inquiry concerning this communication should be directed to Creighton H.

Smith at telephone number 571/272-7546.

17 NOV '05

A handwritten signature in black ink, appearing to read "Creighton H. Smith". The signature is fluid and cursive, with the first name "Creighton" written in a larger, more prominent script than the last name "Smith".

Creighton H Smith
Primary Examiner
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